IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 33247 of 2006(G)

PETITIONER:

JOMON MATHEW, S/O.MATHEW,
AGED 38, VELLANIL, MAMMOODU P.O.,
MADAPPILLY, CHANGANASSERY.

BY ADV. SRI.R.ARUN RAJ

RESPONDENTS:
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1. **THE R.D.O., KOTTAYAM.**

2. **THE VILLAGE OFFICER,**
   MADAPPALLY, CHANGANASSERY.

3. **THE SECRETARY,**
   MADAPPALLY GRAMA PANCHAYAT,
   MAMMOODU P.O., CHANGANASSERY.

4. **THE TAHSILDAR,**
   CHANGANASSERY.

5. **TALUK SURVEYOR,**
   CHANGANASSERY.

BY GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.33247/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.PI:- COPY OF THE REPORT DT. 19.8.06.

EXT.PII:- COPY OF THE REPORT DT. 4.8.06.

EXT.PIII:- COPY OF THE CHELLAN DT. 10.8.06.

EXT.PIV:- COPY OF THE LETTER DT. 2.12.06.

/TRUE COPY/

P.S. TO JUDGE

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ANTONY DOMINIC, J.

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W.P.(C) No. 33247 OF 2006 G
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Dated this the 6th September, 2007

J U D G M E N T

The prayer in this writ petition is to direct 4th and 5th respondents to conduct a re-survey to fix the boundary of Umbikkattuppady-Nurseryppady Road and to direct the respondents to take immediate steps for removing the obstruction caused in the aforesaid road. Petitioner is seeking the aforesaid prayer on the allegation that the Adoration Convent, Mammood which is also running a private school, had trespassed into the public road and it is on that basis the reliefs are sought for.

2. In my view since allegations have been raised against the Adoration Convent no order for re-survey can be passed without hearing the said convent. The writ petitioner has not impleaded the said convent as a party to this writ petition. For non-impleadment of proper parties this writ petition is defective.

The writ petition therefore is dismissed.

ANTONY DOMINIC
JUDGE

jan/-